

CONRAIL

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REUNION PROGRAM
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56319

September 7, 1989

**CERTIFIED MAIL -
RETURN RECEIPT REQUESTED**

Ms. Susan Swales (SHS-11)
Waste Management Division
USEPA - Region 5
230 S. Dearborn Street
Chicago, IL 60604

RE: Himco Landfill, County Road 10,
Elkhart, Indiana

Dear Ms. Swales:

Enclosed please find Consolidated Rail Corporation's (Conrail's) Response to the USEPA's §104 Request for the above-referenced site.

This Response does not constitute an admission of liability, or a waiver of any defenses that may be applicable to Conrail.

Conrail's search into this matter is continuing; Conrail reserves the right to supplement this Response if necessary.

Very truly yours,

Paula Martin

Paula A. Martin
Attorney

1138 Six Penn Center Plaza
Philadelphia, PA 19103
(215) 977-5038

PAM/td
enclosure

cc: C.J. Curry

RESPONSE TO EPA REGION V
NOVEMBER 10, 1988 INFORMATION REQUEST
REGARDING HIMCO LANDFILL SUBMITTED BY
CONSOLIDATED RAIL CORPORATION ("CONRAIL")

1. Consolidated Rail Corporation ("Conrail"), objects to Request No. 1 in that it would be burdensome and oppressive to answer since Conrail conducts operations in sixteen states. In addition, the Request seeks information far beyond the scope of information relating to any transport of Conrail's waste to the Himco Landfill, County Road 10, Elkhart, Indiana, and refers to facilities which did not utilize the Himco Landfill. Without waiving the foregoing objections, Conrail, a freight railroad, was formed April 1, 1976 pursuant to federal statutory mandate to provide rail service to the eastern and midwestern United States. Conrail was formed out of the assets of six bankrupt railroads: the Penn Central, the Reading Railroad, the Central of New Jersey, the Erie Lackawanna, the Lehigh and Hudson River and the Lehigh Valley.

2. Conrail objects to Request No. 2 in that it would be burdensome and oppressive to answer since Conrail conducts operations in sixteen states. In addition, the Request seeks information far beyond the scope of information relating to any transport of Conrail's waste to the Himco Landfill, County Road 10, Elkhart, Indiana. Without waiving the foregoing objections, Conrail did make

arrangements with Himco Waste Away Service, Inc. to remove non-hazardous trash from Conrail's Elkhart Diesel Terminal in Elkhart, Indiana. However, Conrail has no information indicating that the trash was ultimately disposed of at the Himco Landfill at County Road 10.

3. Yes.

4. From the date of Conrail's formation, April 1, 1976 through the date of the site's closure in December, 1977, Conrail utilized the services of Himco Waste Away Service, Inc. to remove non-hazardous trash from Conrail's Elkhart Diesel Terminal in Elkhart, Indiana. Copies of the documents Conrail received as a result of its internal search are attached. The documents do not indicate where the trash was ultimately disposed of.

5. As evidenced by the attached documents, the only material removed from Conrail's Elkhart Diesel Terminal by Himco Waste Away Service, Inc. was non-hazardous trash.

6. The attached documents do not provide any information as to volume of trash material.

7. Since the material was non-hazardous trash, Conrail does not possess any information responsive to Number 7.

8. Conrail is self-insured in the amount of \$5 million. In addition, Conrail possess excess liability coverage in the amount of \$250 million.

General Objection: Conrail objects to this

Request to the extent it requires Conrail to obtain information from former employees or agents of Conrail. Such parties are not under Conrail's control, and their cooperation cannot be compelled by Conrail.

RESPONSE TO EPA REGION V
APRIL 19, 1989 INFORMATION
REGARDING HIMCO LANDFILL SUBMITTED BY
CONSOLIDATED RAIL CORPORATION ("CONRAIL")

1. Thomas P. Pendergast
Director-Environmental Affairs
Consolidated Rail Corporation
2. Copies of all documents attached.
3. N/A.

4. Consolidated Rail Corporation, ("Conrail"), a freight railroad, was formed April 1, 1976 pursuant to federal statutory mandate to provide rail service to the eastern and midwestern United States. Conrail was formed out of the assets of six bankrupt railroads: the Penn Central, the Reading Railroad, the Central of New Jersey, the Erie Lackawanna, the Lehigh and Hudson River and the Lehigh Valley.

5. Conrail objects to Request No. 5 in that it would be burdensome and oppressive for Conrail to answer since Conrail conducts operations in sixteen states.

6. Conrail objects to Request No. 6 in that would be burdensome and oppressive for Conrail to answer since Conrail conducts operations in sixteen states.

7-9. Conrail objects to Request No. 7 in that it would be burdensome and oppressive for Conrail to answer since Conrail conducts operations in sixteen states. Moreover, the Request seeks information far beyond the scope of

information relating to any transport of Conrail's waste to the Himco Landfill, County Road 10, Elkhart, Indiana. Without waiving the foregoing objections, from the date of Conrail's formation, April 1, 1976, through December, 1977, Conrail utilized the services of Himco Waste Away Service, Inc. to remove non-hazardous trash from Conrail's Elkhart Diesel Terminal in Elkhart, Indiana. Copies of the documents Conrail received as a result of its internal search are attached. The documents do not indicate where the trash was ultimately disposed of, and therefore do not indicate that the trash was sent to the Himco Landfill at County Road 10.

General Objection: Conrail objects to this

Request to the extent it requires Conrail to obtain information from former employees or agents of Conrail. Such parties are not under Conrail's control, and their cooperation cannot be compelled by Conrail.

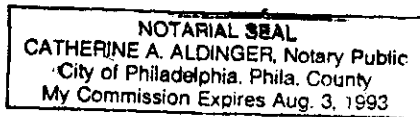
CERTIFICATION

I certify that all information contained herein is true and accurate to the best of my knowledge and belief, and that a diligent search for all documents responsive to this request has been completed.

BY: J. C. Curry
Title: Manager ENO. AFFAIRS
Date: 9/19/89

Sworn to and subscribed
before me this 20th day
of September, 1989.

Catherine A. Aldinger
NOTARY PUBLIC



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Six Penn Center Plaza
Philadelphia, PA 19103-2959

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MAIL

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